

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 187 - SB 446

February 25, 2019

**SUMMARY OF ORIGINAL BILL:** Limits certain state and local regulation of privately-owned gun or sport shooting ranges except in certain circumstances. Authorizes aggrieved parties to challenge such regulations and receive certain damages if they prevail in a suit against the governmental entity.

FISCAL IMPACT OF ORIGINAL BILL:

Increase Local Expenditures – Exceeds \$10,000/One-Time/Permissive

**SUMMARY OF AMENDMENT (004269):** Deletes and rewrites all language after the enacting clause such that the substantive changes are: (1) limits the provisions of the legislation to local governments; (2) limits the provisions to only privately-owned sport shooting ranges; and (3) limits which local government restrictions of privately-owned shooting ranges are prohibited.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- The proposed language would prohibit local governments from imposing greater restrictions or requirements on privately-owned sport shooting ranges than those applied to government-owned ranges within the same local government.
- Aggrieved parties may petition the court for declaratory and injunctive relief against a local government and be awarded specific damages if they prevail.
- If the plaintiff against the governmental entity prevails in the suit, the governmental entity would be liable for payment of all court costs, reasonable attorney's fees, as well as the greater of either actual damages or three times the plaintiff's attorney's fees.
- Due to multiple unknown variables, such as how many local governments will opt to impose such restrictions on privately-owned sport shooting ranges, how many aggrieved persons will bring suit against local governments, how many plaintiffs will prevail in such suits, the extent of any relief rewarded to the prevailing plaintiff, a precise

HB 187 - SB 446

permissive increase local government expenditures cannot be determined, but is reasonably estimated to exceed \$10,000 per suit.

- Local governments will be deterred from imposing such regulations once a local government is sued; therefore, the permissive increase to local government expenditures is considered to be a one-time increase.
- Local government entities are not required to impose such restrictions; therefore, any increase in local government expenditures is considered permissive.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/jrh